

US Army Corps of Engineers_® Albuquerque District

PUBLIC NOTICE

Permit Application No.:

SPA-2008-00390-ABQ

Project Name:

Paseo del Volcan Extension

Applicant:

City of Rio Rancho

Waterway:

Arroyo Venada

Public Notice Date:

July 14, 2009

Comment Due Date:

August 3, 2009

CE Contact Phone:

(505) 342-3284

Reply To:

Regulatory Division US Army Corps of Engineers, Albuquerque District 4101 Jefferson Plaza, NE Albuquerque, NM 87109-3435

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above comment due date. This application is a resubmittal for a permit to place dredged and/or fill material due to a design change for the Arroyo Venada culverted road crossing. The original application was withdrawn to develop the new Arroyo Venada crossing design. The other two arroyo crossing designs have remained unchanged. Additionally, existing channel will be widened to reduce the storm flow velocity within the affected reach of the Venada Arroyo and to reduce the affected channel length from approximately 1,347 feet to 1,312 feet. The proposed project is part of the Paseo del Volcan Extension in the Arroyo Venada and its tributaries in Rio Rancho, Sandoval County, New Mexico. The Venada Arroyo concrete culvert structure is comprised of a 7-cell, 12-foot by 12-foot reinforced concrete box (RCB) culvert consisting of approximately 338 cubic yards of concrete. Two basin structures will be constructed in the existing channel consisting of approximately 339 cubic yards (Fill 1) and 143 cubic yards (Fill 2) of concrete and rock riprap, and earthen fill, respectively. Total fill area for the Venada Arroyo crossing site is 482 cubic yards or 0.371 acre. Approximately 1.479 acre of new channel will be constructed by excavation. Two additional culverted structures will be constructed in two tributaries of the Arroyo Venada. A CBC culvert (approximately 14.25 cubic yards; 0.096 acre) and a CMP culvert (approximately 11.1 cubic yards; 0.043 acre) will be constructed in jurisdictional waters of the US. A total of approximately 0.51 acres of waters of the U.S. will be filled. Below the ordinary high water mark of the arroyos, approximately 75 cubic yards of concrete; approximately 192 cubic yards of rock riprap. Details of the proposed project are provided below.

Name of Applicant: Mr. Randall Carroll, City of Rio Rancho, 3200 Civic Center Circle NE, Rio Rancho, NM 87144, Phone: (505) 896-8242

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Name of Agent: Ms. Brooke M. Garcia, P.E., HDR Engineering, Inc., 2155 Louisiana Blvd. NE, Albuquerque, NM 87110, Phone: (505) 830-5400

<u>Location</u>: The project is located along the proposed Paseo del Volcan corridor from Iris Road in Rio Rancho to NM 550 Highway in Bernalillo, New Mexico, in the Arroyo Venada and its tributaries in

Rio Rancho, Sandoval County, New Mexico, Sections 33, 34, 24, 26, 27, Township 13N, Range 03W; (35° 19.17' N Latitude, 106° 36.40' W Longitude). See Sheets 1 and 2 of 8.

<u>Description of Work</u>: The proposed Paseo del Volcan Extension route crosses the Arroyo Venada at two locations. The upstream crossing will be filled with earthen materials. The second crossing will be a concrete culverted road crossing on the western side of Chayote Road (see Sheet 3 of 9).

The concrete culvert road crossing will be approximately 130 feet long by 38 feet wide with seven 12-ft. wide x 12-ft. high openings and will provide the Paseo del Volcan with a crossing of a widened channel of the Arroyo Venada (see Sheets 3, 4 and 5 of 9). The proposed culvert will require approximately 338 cubic yards of concrete to construct the culvert structure.

A rock riprap erosion pad will be constructed immediately downstream of the culverted road crossing outfalls (339 cubic yards) and is noted as Fill 1 on Sheet 3 (see also Sheets 4 and 5 of 9). The entire Arroyo Venada crossing will fill approximately 0.371 acre of jurisdictional waters of the United States.

A second rock riprap erosion pad (noted as a portion of Fill 2 on Sheet 3) will be constructed on the downstream side of the crossing area. A total of 193 cubic yards of rock riprap, installed as erosion pads, will be constructed immediately downstream of the culverted road crossing outfalls (see Sheets 4 and 5 of 9).

One concrete box culvert (CBC) will be constructed at point 1687+61.07 along the Paseo del Volcan corridor. This culvert will consist of two 6 x 4-ft.culvert boxes x 154 ft. long structure. Approximately 0.09 acre of jurisdictional waters will be filled with the concrete box structure with rock riprap for downstream erosion control (see Sheets 6 and 7 of 9).

The second corrugated metal pipe culvert (CMP) will be constructed at point 1692+27.21 along the Paseo del Volcan corridor (see Sheets 6 and 8 of 9). The culvert will consist of two 30-inch (2.5 ft.) diameter corrugated metal culvert pipes x 120 ft. long structure. Approximately 0.043 acre of jurisdictional waters will be filled with the corrugated metal pipe structure with rock riprap for downstream erosion control.

The fill area from the Arroyo Venada crossing is approximately 0.371 acre; the fill area from the CBC culvert crossing is approximately 0.096 acre; and the fill area from the CMP culvert crossing is approximately 0.043 acre. The total area of fills in waters of the U.S. is 0.51 acre below the ordinary high water mark of the arroyo. Work is expected to begin in the Fall 2009 and be completed in Spring 2010.

<u>Purpose and Need</u>: The stated purpose of the project is to connect the existing end of the Paseo del Volcan at Iris Road to US 550 Highway in Bernalillo, New Mexico. The proposed route crosses the Arroyo Venada at two locations. The upstream crossing will be filled with earth. The downstream crossing will consist of a concrete culvert with earthen fill and a rock riprap erosion pad.

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Related Work: A culverted road crossing of an unnamed tributary of the Arroyo Venada located northeast of the Arroyo Venada crossing will be constructed by the Amrep Southwest, Inc., as part of the Lomas Encantadas Subdivision project under Permit No. SPA-2004-00227-ABQ. The City of Rio Rancho will construct a bridge that will cross the future Camino Encantadas roadway adjacent to the culverted road crossing. This bridge is located in uplands above the ordinary high water mark of the arroyo channel and a Department of the Army permit will not be required for this activity. The City of Rio Rancho will construct a second bridge over an unnamed tributary of the Arroyo Venada, also known as the Encantado Channel, which crosses under NM 550 highway and parallels it until it discharges into a detention pond in the Enchanted Hills Subdivision. From the detention pond, runoff waters are discharged to the Arroyo Venada. This bridge will be from banktop to banktop over the concrete lined channel. There will be no discharge of dredged and fill materials within this arroyo channel and a Department of the Army permit will be required for this activity.

Seven concrete box culverts (CBCs) and one reinforced concrete pipe culvert (RCP) will be constructed in upland erosion features and swales along the proposed Paseo del Volcan Extension route. Approximately 183 cubic yards of concrete and other earthen fill materials (0.11 acre) will be used to construct these culverts. Approximately 0.62 acre of earthen fills for road base will also be placed within parts of a swale drainage. None of these activities are within jurisdictional waters of the United States and a Department of the Army permit is not required for these activities. A Department of the Army permit will not be required for this activity.

A bank stabilization structure will be constructed adjacent to the south bank of the Arroyo Venada crossing (500 feet long x 2 feet wide x 2 to 3 feet deep). The structure is outside of the existing channel in uplands and a Section 404 permit is not required for its construction.

Mitigation: According to the applicant, impacts to the waters of the United States will be avoided or minimized in two ways. The arroyo conveyance capacity will remain unaffected by the culvert installation. The culverts will be sized to accommodate the highest calculated flow (5,500 cubic feet per second) associated with the 100-year flood event and a developed upstream watershed. Secondly, water quality will be preserved during construction by use of best management practices (BMPs) including but not limited to equipment handling and daily inspection/monitoring. Post construction, water quality and channel integrity will be preserved through the permanent erosion control design including revegetation with native species and construction of the rock riprap erosion blanket at the culvert outlet.

Compensatory mitigation efforts include two riprap basin downstream of the proposed culvert structure and at the downstream end of the Arroyo Venada crossing site. Rock riprap will be installed along the channel embankments at the southern vertical bank to provide bank stabilization. A riprap basin is to be installed at the outlet of the structure to prevent scour and to provide grade control (see Sheets 3, 4, and 5 of 9).

Impacts to the waters of the United States include the loss of channel length (loss of the aquatic function of the arroyo) by shortening the channel. A draft compensatory mitigation plan has been submitted and reviewed by the Corps of Engineers. Upon completion of our review, the Corps will provide its comments to the applicant. Mitigation includes native revegetation of the proposed channel banks and disturbed area (see Sheet 9 of 9). The applicant's redesign of the Arroyo Venada culverted crossing has minimized the loss of jurisdictional waters of the United States by reducing the affected area by 35 linear feet.

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<u>Plans and Data</u>: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

William M. Oberle Regulatory Division Albuquerque District, Corps of Engineers 4101 Jefferson Plaza, NE Albuquerque, NM 87109-3435 Phone: (505) 342-3284 Fax No. 505-342-3498

Statement of Findings: The Federal Highway Administration (FHWA) performed a cultural survey as part of the Final Environmental Impact Statement issued in June 2001 for the entire Paseo del Volcan project from I-40 highway to NM 44 (now NM 550) highway. In June 2000 and April 2001, the New Mexico State Historic Preservation Office concurred with the cultural survey findings.

The District Engineer has consulted with the New Mexico State Historic Preservation Office (NMSHPO) and has determined that 15 archaeological sites which will be impacted by the project are present. The testing and data recovery plan for the project was reviewed by the Corps of Engineers and the consulting archaeologist interviewed. The archaeological field work is currently underway and most of the work has been completed. The remaining field work will be completed by the time construction is begins. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of Federal endangered (E) and threatened (T) species and/or critical habitat (CH) for Sandoval County, New Mexico

Black-footed ferret Mexican spotted owl	Mustela nigripes Strix occidentalis lucida	- Е, EXPN - Т, СН
Rio Grande silvery minnow	Hybognathus amarus	- E, CH
Southwestern willow		
flycatcher	Empidonax traillii extimus	- E

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the New Mexico Environment Department for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office at the address given above.

<u>Comment</u>: Any comments concerning this project should be received by the District Engineer no later than **August 3, 2009**. Comments received after the end of the Public Notice comment period will not

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be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

At the request of the Department of Public Safety, Emergency Management Preparedness, State Coordinator, we are sending a copy of this notice to the local flood plain administrator to apprise the administrator of proposed development within their jurisdiction. In accordance with 44 CFR Part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. The local Flood Plain Administrator is required to perform this review for all proposed development and maintain records of such review. You may contact:

Department of Public Safety State Floodplain Coordinator Attn: Mr. Bill Borthwick

email: wborthwick@dps.state.nm.us

Phone: 505-476-9617

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

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Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

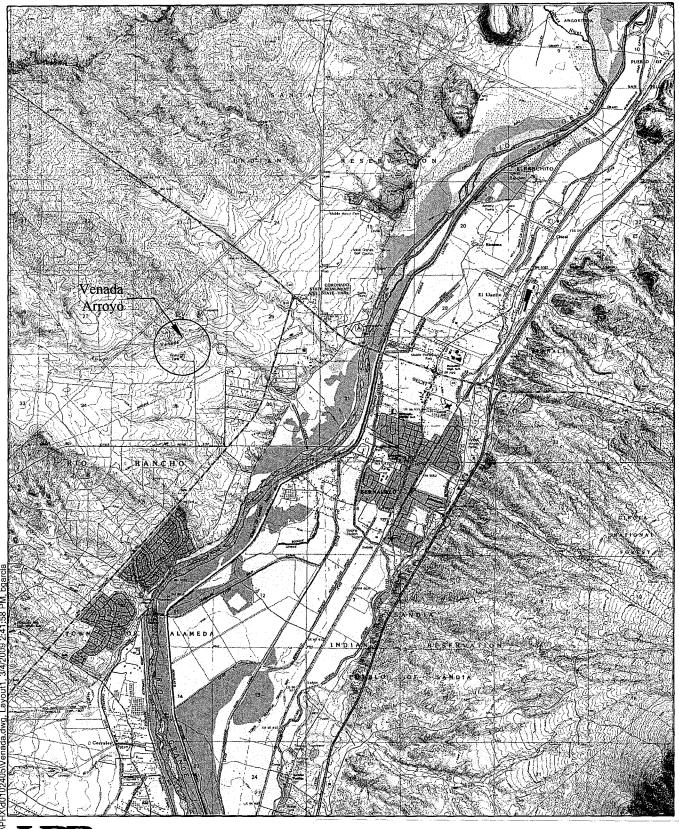
Kimberly M. Colloton Lieutenant Colonel, U.S. Army District Commander

Enclosure

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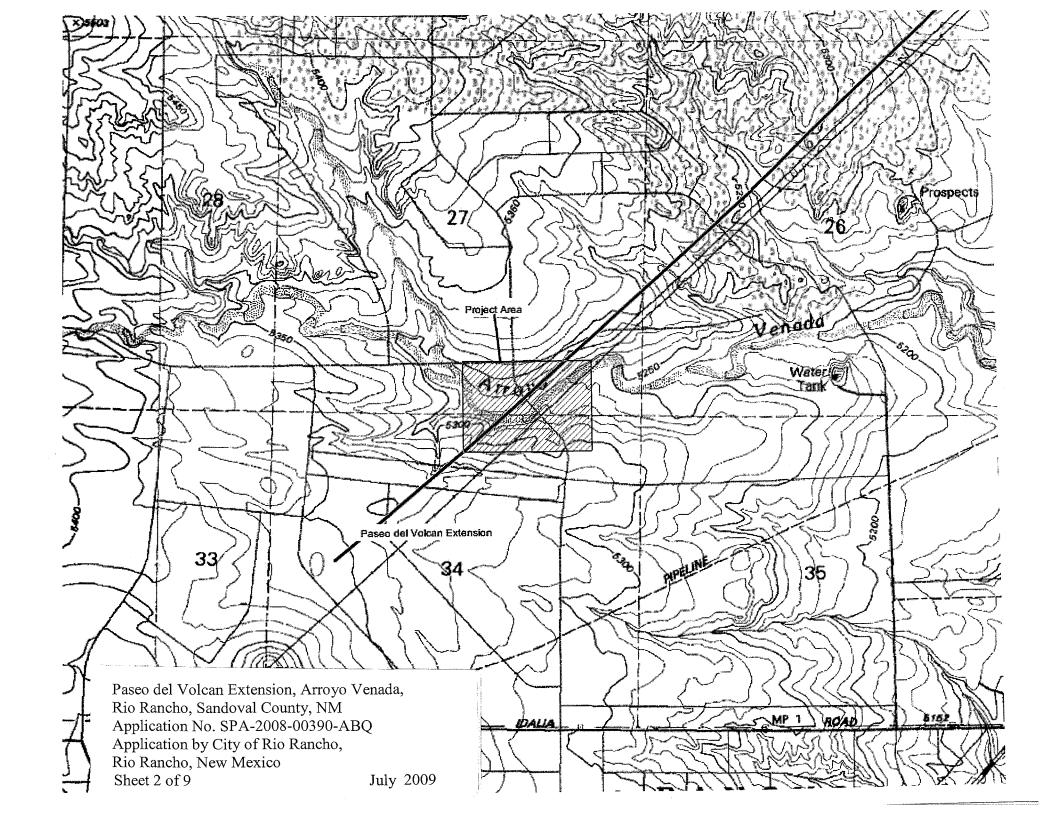


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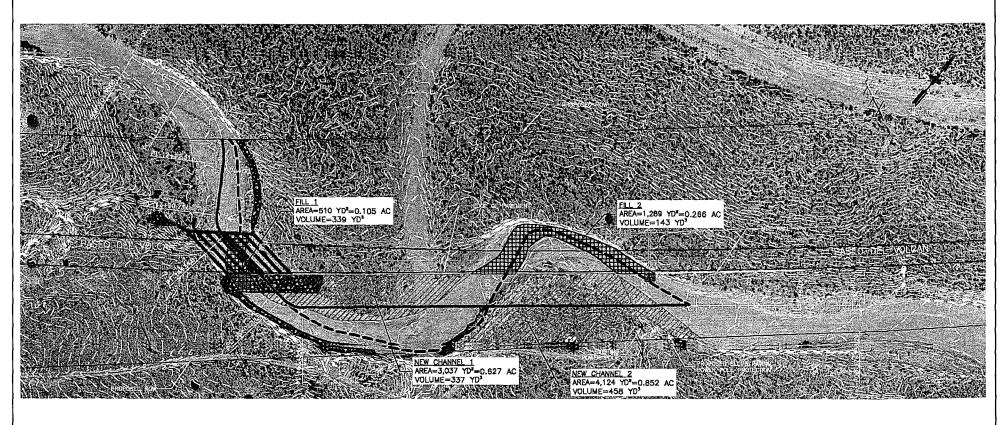
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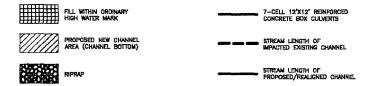
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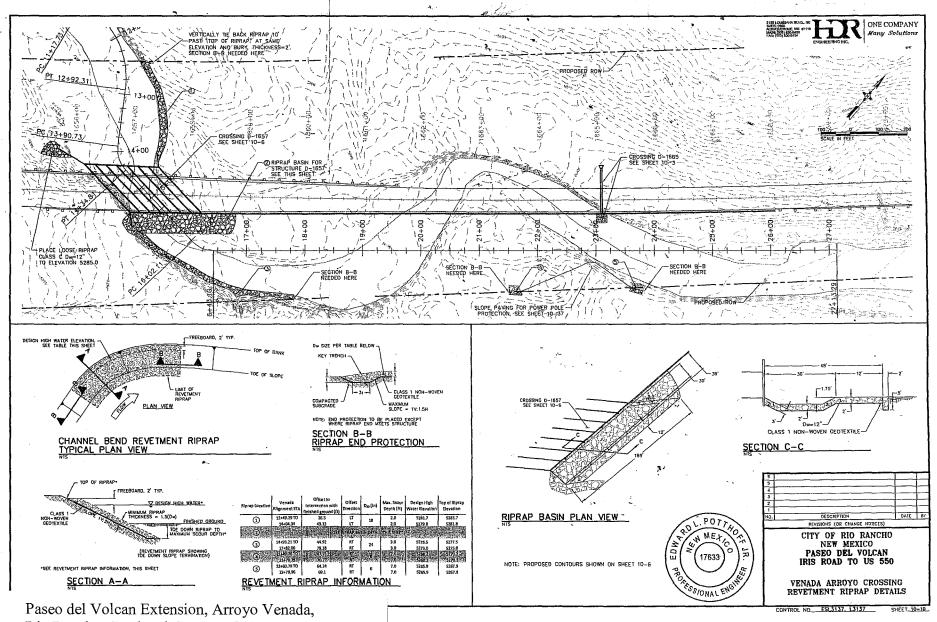




SUMMARY TABLE OF ALL AREAS			
	AREA (YD*)	AREA (AC)	
TOTAL FILL AREA	1799	0.371	
TOTAL NEW CHANNEL AREA	7161	1.479	

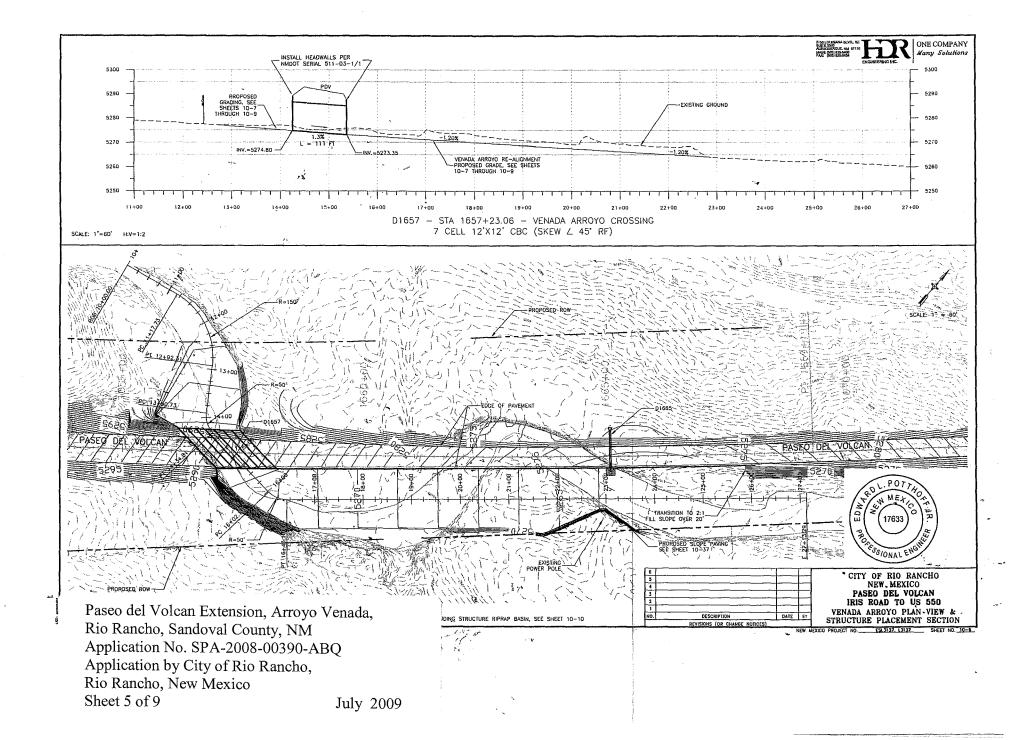
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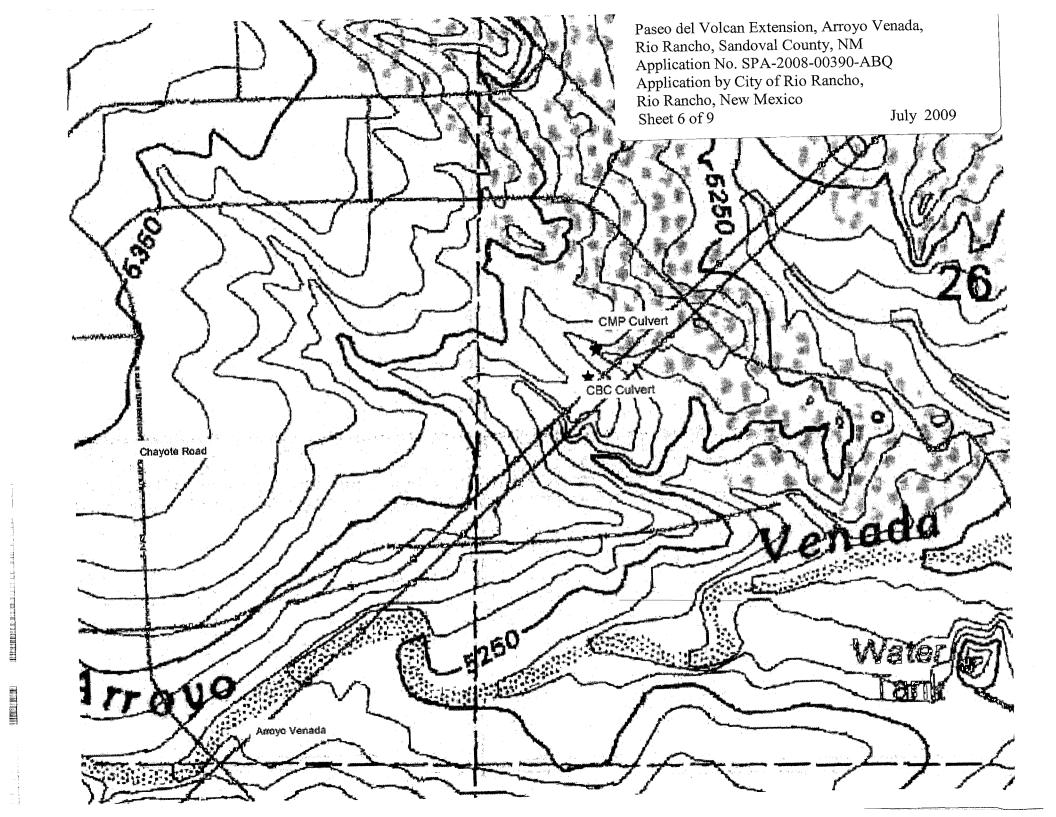
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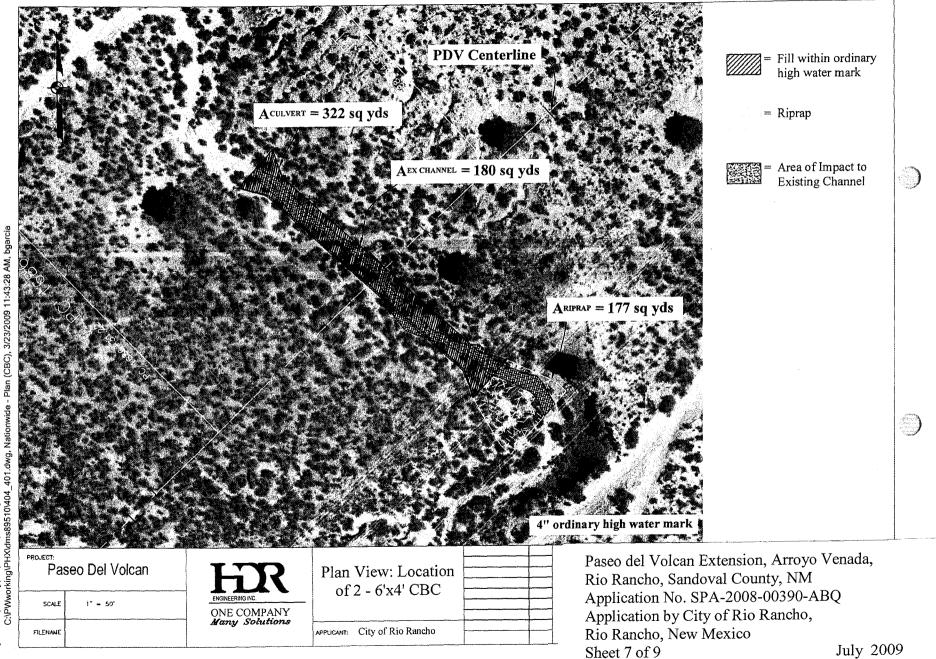


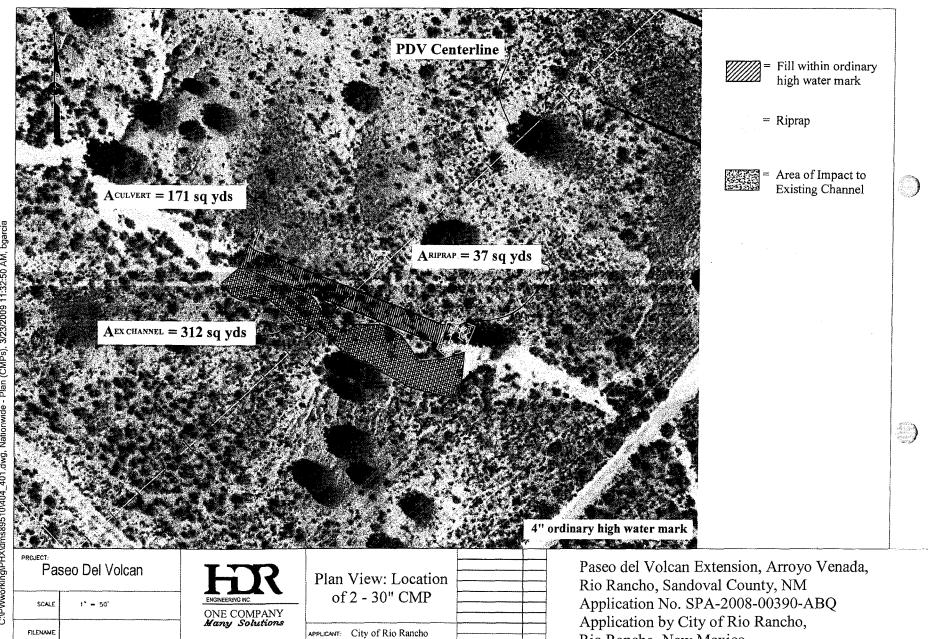
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July 2009









Rio Rancho, New Mexico

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ALL REQUIREMENTS OUTLINED IN THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND THE NEW MEXICO CLEAN WATER ACT SHALL BE STRICTLY ADHERED TO DURING THE COURSE OF CONSTRUCTING THIS PROJECT, EXPOSED AREAS OF DISTURBANCE SHALL BE KEPT TO A MINIMUM TO PERFORM PROJECT CONSTRUCTION AND SHALL BE PROTECTED BY THE APPLICATION OF TEMPORARY SOIL STABLANT AS STATED BELOW AND ANY OTHER SEDIMENT CONTROL DEVICES REQUIRED UNTIL PERMANENT MEASURES ARE APPLICATION.

TEMPORARY SOIL STABILIZING SUBSTANCE SHALL BE APPLIED TO ALL EXPOSED SOIL AREAS WHICH ARE NOT BEING ACTIVELY WORKED. A HYDROSEEDER SHALL BE KEPT. READILY AVAILABLE TO THE PROJECT SITE TO PERFORM THIS WORK, THE SOIL STABILIZING SUBSTANCE SHALL BE A POLYMERIC EMULSION CONSISTING OF AT LEAST 46% SOILDS BY WEIGHT, AND AT LEAST 90% BY WEIGHT FIRST SOILDS SHALL BE ACTIVELY WORKED. A HYDROSEEDER'S SHALL BE ACTIVELY COPOLYMERS OF TOTAL WEIGHT), COALSECT SHALD BE ACTIVELY SHALL BE ACTIVELY COPOLYMERS (MEHACRYLATES AND ACRYLATES AND ACRYL

RIOR TO COMMENCING THE SEEDING OPERATION. THE PROJECT MANAGER LANDSCAPE ARCHITECT AND SEEDING CONTRACTOR'S REPRESENTATIVE SHALL REVIEW AREAS TO BE TREATED TO DETERMINE THE APPROPRIATE CLASS OF SEEDING AND TO INSURE THAT SLOPES, HAVE BEEN CONSTRUCTED PROPERLY, SEEDING CONTRACTOR'S REPRESENTATIVE SHALL ALSO BE INSPECTED DURING THIS FERIOD TO INSURE PROPER OPERATION. ANY WORK DONE PRIOR TO THIS INSPECTION SHALL.

ALL AREAS TO BE SEEDED SHALL BE AS DIRECTED BY THE PROJECT MANAGER AND/OR THE LANDSCAPE ARCHITECT, AREAS 4:1 OR FLATTER SHALL BE TREATED WITH CLASS "A" SEEDING, SLOPES STEEPER THAN 4:1 SHALL BE TREATED WITH CLASS "O" SEEDING AND SHALL INCLUDE HAND RAKING OR CHAIN HARROWING TO COVER SEED TO A DEPTH OF 1/4" TO 1/2". HAY MULCH FOR CLASS "A" SHALL BE BARLEY STRAW AT THE RATE OF 1.5 TONS PER ACRE. SEEDING SPECIFICATIONS ARE AS FOUND IN NIMBOT 2008 STANDARD SPECIFICATIONS FOR BRIDGE AND HIGHWAY CONSTRUCTION 552.

MULCH SHALL BE APPLIED AS SOON AS POSSIBLE AFTER THE SEED AND FERTILIZER ARE APPLIED. ALL SEEDED, AREAS SHALL BE MULCHED THE SAME DAY THEY ARE SEEDED. ANY SEEDED AREAS NOT MULCHED THE SAME DAY SHALL BE REJECTED AND RESEEDED AND NO EXTRA PAYMENT SHALL BE MADE THEREFOR.

ON THE SLOPE WITH SEAMS RUNNING VERTICALLY AND LAPPED AS PER MANUFACTURER'S RECOMMENDATION, BLANKET METTING SHALL BE BIODEGRADABLE.

CONTRACTORS' CAMPSITES, STOCKPILE AREAS AND ANY OTHER NONDESIGNATED HAUL ROAD OR DISTURBED AREA SHALL BE TREATED WITH CLASS "A" SEEDING AND NO MEASUREMENT OR PAYMENT WILL BE MADE THEREFOR.

PRIOR TO PERFORMING SEEDING OPERATIONS ALL WEED SPECIES WHICH MAY HAVE GROWN IN AREAS TO BE SEEDED AND WILL INTERFERE WITH THE SEED AND MULCH MAKING CONTACT WITH THE SOIL SHALL, BE REMOVED.

(CERTIFIED SEED OF NAMED VARIETIES ARE REQUIRED IF AVAILABLE)

SPECIES	ORIGIN	LBS_SEED/ACRE
Agropyron smithii (WESTERN WHEATGRASS)	BARTON OR ARRIBA	3.0
Andropagan scoparium (LITTLE BLUESTEM)	PASTURA	1.0
Bothriochloo ischoemum (YELLOW BLUESTEM)	GANADA	1.0
Bouteloue gracilis (BLUE GRAMA)	HACHITA OR LOVINGTON	2.0
Bouteloug curtipendula (SIDEOATS GRAMA)	VAUGHN OR NINER	2.0
Erggrostis trichodes (SAND LOVEGRASS)	N.M. REGION	1.0
Setaria luecopila (PLAINS BRISTLEGRASS)	N.M. REGION	1.0
Fallugia paradoxa(APACHE PLUME)	NEW MEXICO REGION	1.0
Sporobolus airoides (ALKALI SACATON)	N.M. REGION	1.0
Linum lewisii (BLUE FLAX)	ANY	0.5
Eschscholzia californica (CALIFORNIA POPPY)		0.5
Gaillardia aristota (FIREWHEEL)	ANY	0.5
Achilleo millefolium (WHITE YARROW)	ANY	0.5
Penstemon polmeri (PALMER PENSTEMON)	ANY	0.5
	T	OTAL 15.5

ON-SITE SEED SAMPLING & TESTING MAY BE DONE AT THE DISCRETION OF THE NMDOT, ALL SEED CERTIFICATES FROM SEED SUPPLIER MUST BE PROVIDED TO PROJECT MANAGER BEFORE SEEDING COMMENCES.

SEEDING DATES

*A. PERIOD A TO B = MAY 1 THROUGH MAY 31
B. PERIOD B TO E = JUNE 1 THROUGH AUGUST 31
C. PERIOD C TO D = NONE

*WATER FOR PERIOD A TO B SHALL BE APPLIED ACCORDING TO SECTION 632.39 OF THE STANDARD SPECIFICATIONS AT THE FOLLOWING RATES AND SHALL BE CONTINUED UNTIL JUNE 14:

FIRST TWO WEEKS _ FOUR APPLICATIONS OF ONE INCH EACH, TIMED THREE DAYS APART. SUBSEQUENT WEEKS _ ONE INCH PER WEEK

WATERING DURING THIS PERIOD SHALL BE CONSIDERED INCIDENTAL TO THE SEEDING ITEM AND NO MEASUREMENT OR PAYMENT SHALL BE MADE THEREFOR.

>DURING THIS PERIOD, DISTURBED AREAS SHALL BE DISCED AND MULCH APPLIED AS IN CLASS "A" SEEDING AND NO SEED OR FERTILIZE SHALL BE APPLIED. THIS WORK SHALL BE PAID AT 65% OF THE CLASS "A" SEEDING UNIT BID PRICE. THE FOLLOWING SEEDING SEASON CLASS "C" SEEDING WEED REMOVAL, IF INTERED, OVER SEEDING AND FERTILIZER APPLICATION) SHALL BE PERFORMED AND THE REMAINING 35% OF THE CLASS "A" UNIT BID PRICE SHALL BE PAID, IF THE PROJECT IS CLOSED OUT, IT SHALL BE BETHE RESPONSIBILITY OF THE PROJECT HANDERT ADMINISTRATION PERMAINENT SEEDING THE NEXT SEEDING SEASON.

ANY PROPOSED CHANGES OR MODIFICATIONS TO THIS PLAN SHALL BE DISCUSSED WITH THE LANDSCAPE ARCHITECT PRIOR TO MAKING SUCH CHANGES OR MODIFICATIONS. (CONTACT: William Hutchinson, NMDOT Londscape Architect, 505 827 9862, for pre-seeding meetings and questions.)

DESCRIPTION - REVISIONS (OR CHANGE NOTICES)

CITY OF RIO RANCHO NEW MEXICO PASEO DEL VOLCAN IRIS ROAD TO US 550

REVEGETATION/EROSION CONTROL

Paseo del Volcan Extension, Arroyo Venada, Rio Rancho, Sandoval County, NM Application No. SPA-2008-00390-ABQ Application by City of Rio Rancho, Rio Rancho, New Mexico Sheet 9 of 9 July 2009